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FM CNO WASHINGTON DC//N1//
TO NAVADMIN

UNCLAS //N01910// SECTION 01 OF 02
NAVADMIN 031/95

MSGID/GENADMIN/PERS8//

SUBJ/ENLISTED ADMINISTRATIVE SEPARATION PROCESSING INITIATIVES//

REF/A/DOC/CHNAVPER/22APR93

REF/B/DOC/CHNAVPER/15AUG91//

REF/C/DOC/CNO/17MAY93//

NARR/REF A IS ENLISTED TRANSMAN ARTICLE A1.0323 (SEPARATION OF MEMBERS WITH DRUG OR ALCOHOL DEPENDENCY. REF B IS MILPERSMAN (MPM) CHAPTER 36. REF C IS OPNAVINST 5350.4B.//

POC//IMBACH/LT/BUPERS/-/TEL:DSN 224-8222,45,66/TEL:(703) 614-8222,45,66/TEL:FAX DSN 224-8194//
RMKS/1. THE FOLLOWING INITIATIVES TO STREAMLINE ENLISTED ADMINISTRATIVE SEPARATIONS HAVE BEEN APPROVED BY THE CNO AND ARE EFFECTIVE IMMEDIATELY. CANCEL REF A AND MAKE THIS NAVADMIN PART OF REF B UNTIL CHANGE CAN BE INCORPORATED.

A. DELETE THE REQUIREMENT TO FORWARD CASES TO CHNAVPER WHERE MEMBER OBJECTS TO SEPARATION. CURRENTLY, PER MPM 3610220.1A AND 1B, A SPECIAL COURT-MARTIAL CONVENING AUTHORITY (SPCMCA) CAN SEPARATE A MEMBER LOCALLY ONLY IF THE MEMBER DOES NOT OBJECT TO SEPARATION. IF THE MEMBER DOES OBJECT TO SEPARATION, CHNAVPER IS SEPARATION AUTHORITY AND THE PROCESS IS DELAYED. NEW POLICY IS IMPLEMENTED THROUGH FOLLOWING CHANGES TO MPM:

(1) DELETE PARAGRAPH 5: QUOTE - I OBJECT TO THIS SEPARATION. I DO NOT OBJECT TO THIS SEPARATION. - UNQUOTE FROM THE MEMBER'S STATEMENT OF AWARENESS AND REQUEST FOR, OR WAIVER OF PRIVILEGES (SOA) IN MPM 3640200.6 AND 8.

(2) DELETE THE WORDS: QUOTE - WHERE THE MEMBER DOES NOT OBJECT TO THE SEPARATION - UNQUOTE FROM MPM 3610220.1A, AND DELETE THE WORDS: QUOTE -THE MEMBER DID NOT OBJECT TO THE SEPARATION - UNQUOTE FROM MPM 3610220.1B.

B. GRANT MEMBERS THE RIGHT TO HAVE GENERAL COURT-MARTIAL CONVENING AUTHORITY (GCMCA) REVIEW WHEN THERE IS NO ENTITLEMENT TO AN ADMINISTRATIVE DISCHARGE BOARD. NEW POLICY:

(1) IN ORDER TO GIVE MEMBERS WHO ARE NOT ENTITLED TO AN ADMINISTRATIVE DISCHARGE BOARD (I.E., MEMBERS PROCESSED UNDER THE NOTIFICATION PROCEDURE WHO HAVE UNDER SIX YEARS TOTAL ACTIVE AND/OR RESERVE MILITARY SERVICE) THE OPPORTUNITY TO HAVE THEIR CASE REVIEWED, ADD PARAGRAPH 4J TO MPM 3640200.5 (NOTICE OF NOTIFICATION PROCEDURE PROPOSED ACTION (LON)) THE FOLLOWING: QUOTE - TO GENERAL COURT-MARTIAL CONVENING AUTHORITY REVIEW IF YOU HAVE UNDER 6 YEARS TOTAL ACTIVE AND/OR RESERVE MILITARY SERVICE. - UNQUOTE, AND ADD THE ADDITIONAL RIGHT TO THE SOA IN PARA 4 OF MPM 3640200.6 BY ADDING THE FOLLOWING QUOTE - TO GENERAL COURT-MARTIAL CONVENING AUTHORITY REVIEW IF I HAVE UNDER 6 YEARS TOTAL ACTIVE AND/OR RESERVE MILITARY SERVICE. - UNQUOTE. IF THE MEMBER ELECTS THE RIGHT TO GCMCA REVIEW, THE PROCESSING ACTIVITY WILL FORWARD THE MEMBER'S LON AND SOA AND ALL SUPPORTING DOCUMENTS TO THE GCMCA FOR REVIEW. WHEN THE REVIEW IS COMPLETE. THE GCMCA WILL RETURN THE CASE FOR ACTION AS DIRECTED.

C. PROVIDE ALCOHOL AND/OR DRUG TREATMENT VIA NAVY LEVEL III TREATMENT FACILITY (ARC/ARD) VICE DEPARTMENT OF VETERANS AFFAIRS (DVA) PRIOR TO SEPARATION. DOD POLICY CURRENTLY REQUIRES TREATMENT BE OFFERED TO MEMBERS WHO ARE ALCOHOL AND/OR DRUG DEPENDENT. UNDER CURRENT POLICY, MEMBERS WHO ARE DIAGNOSED AS ALCOHOL AND/OR DRUG DEPENDENT ARE OFFERED 30 DAYS TREATMENT VIA THE DVA PRIOR TO SEPARATION. ONCE THE MEMBER ELECTS TREATMENT, HE OR SHE CAN BE SENT TO A DVA FACILITY WHEN A QUOTA BECOMES AVAILABLE AND DISCHARGED 30 DAYS AFTER THE SCHEDULED TREATMENT COMMENCEMENT DATE. MANY MEMBERS WHO HAVE ELECTED

TREATMENT HAVE REFUSED TO ATTEND OR FAILED TO COMPLETE THE PRESCRIBED DVA PROGRAM. ALSO, CURRENT POLICY CAN BE INTERPRETED TO REQUIRE THAT AN ALCOHOL AND/OR DRUG DEPENDENT MEMBER MUST BE OFFERED DVA TREATMENT EVEN THOUGH HE OR SHE HAS JUST COMPLETED, OR BEEN DROPPED FROM, LEVEL III TREATMENT. THIS CHANGE IS AIMED AT REDUCING DELAYS IN OBTAINING TREATMENT AND EFFECTING DISCHARGE. NEW POLICY:

(1) PRIOR TO SEPARATION, MEMBERS WHO ARE ALCOHOL AND/OR DRUG DEPENDENT WILL BE OFFERED TREATMENT AT A LEVEL III TREATMENT FACILITY VICE A DVA HOSPITAL. AS AN EXCEPTION, MEMBERS WHO HAVE RECEIVED LEVEL III TREATMENT (WHETHER SUCCESSFULLY COMPLETED OR NOT) WITHIN THE PAST THREE YEARS WILL NOT BE ELIGIBLE FOR LEVEL III TREATMENT PRIOR TO SEPARATION. IF MEMBER ELECTS TREATMENT, COMMAND WILL REQUEST LEVEL III TREATMENT QUOTA IN ACCORDANCE WITH ENCL 6. PARA 2D OF REF. C. ALL TRANSFERS TO LEVEL III FACILITIES WILL BE TEMDU UNDER TREATMENT. PRIOR TO TRANSFER, COMMANDS MUST ENSURE PHYSICAL EXAM AND ALL SEPARATION DOCUMENTS ARE COMPLETED AND FILED IN MEMBER'S RECORD. MEMBER WILL BE SEPARATED OR PLACED ON APPELLATE LEAVE (IF APPLICABLE) BY THE SERVICING PERSUPP DET IMMEDIATELY UPON COMPLETION OF OR DISENROLLMENT FROM TREATMENT. THIS ACTION WILL PROVIDE BETTER ACCOUNTABILITY, PRECLUDE WASTE AND ABUSE OF RESOURCES AND PROVIDE NECESSARY TREATMENT TO ALCOHOL AND/OR DRUG DEPENDENT MEMBERS.

(2) ADD THE WORDS: QUOTE - LACKS POTENTIAL FOR CONTINUED NAVAL SERVICE AND: - UNQUOTE TO THE END OF PARAGRAPH 1 OF MPM 3630500 AND 3630550.

(3) DELETE THE WORDS: QUOTE - AND THERE IS NO POTENTIAL FOR FURTHER USEFUL SERVICE - UNQUOTE FROM PARAGRAPHS 1B AND 1D OF MPM 3630500 AND 3630550.

(4) ADD THE WORD: QUOTE - OR - UNQUOTE TO THE END OF PARAGRAPH 1C OF MPM 3630500 AND 3630550.

D. MAKE SUMMARY COURTS-MARTIAL AND CIVILIAN CONVICTIONS BINDING ON ADMINISTRATIVE DISCHARGE BOARDS. CURRENTLY, PER MPM 3610260.7A, ONLY FINDINGS OF SPECIAL AND GENERAL COURTS-MARTIAL ARE BINDING ON ADMINISTRATIVE DISCHARGE BOARDS (I.E., THE ADMINISTRATIVE DISCHARGE BOARD IS REQUIRED TO MAKE A FINDING OF MISCONDUCT). IN ORDER TO AVOID RETRYING A CASE AT AN ADMINISTRATIVE DISCHARGE BOARD WHEN THE ISSUE OF GUILT HAS ALREADY BEEN ESTABLISHED, SUMMARY COURT-MARTIAL CONVICTIONS AND CIVILIAN CONVICTIONS, LIKE SPECIAL AND GENERAL COURTS-MARTIAL CONVICTIONS WILL BE BINDING ON ADMINISTRATIVE DISCHARGE BOARDS. (NOTE: IF MEMBER HAS AN APPEAL PENDING, PROCESSING FOR SEPARATION MAY BE INITIATED AND THE BOARD MUST STILL ENTER A FINDING IAW COURT-MARTIAL/CIVILIAN COURT RESULT. HOWEVER, EXECUTION OF THE SEPARATION WILL BE PER MPM 3630600.5B).

(1) CHANGE THE HEADING IN *PARAGRAPH 7* OF MPM 3610260 TO READ: QUOTE - COURTS-MARTIAL AND CIVILIAN CONVICTIONS - UNQUOTE.

(2) CHANGE THE FIRST THREE SENTENCES OF PARAGRAPH 7A OF MPM 3610260 TO READ: QUOTE - ALL COURTS-MARTIAL CONVICTIONS WHICH ARE APPROVED BY THE CONVENING AUTHORITY AND ALL CIVILIAN CONVICTIONS, ESTABLISH THE FACTS UNDERLYING THE CONVICTION BEYOND A REASONABLE DOUBT. IN SUCH CASES, THE BOARD MAY NOT RENDER ITS OWN FINDINGS AS TO THOSE MATTERS JUDICIALLY DETERMINED, BUT WILL ENTER THE FINDINGS OF THE COURT-MARTIAL AND/OR CIVILIAN CONVICTION AS THEY RELATE TO THE BASIS AND REASON FOR ADMINISTRATIVE DISCHARGE PROCESSING.- UNQUOTE.

E. MAKE PAGE 13 COUNSELING/WARNINGS VALID THROUGHOUT MEMBER'S *CURRENT* ENLISTMENT. PER MPM 3610260.5, IN ORDER TO QUALIFY FOR ADMINISTRATIVE SEPARATION PROCESSING BY REASON OF MINOR DISCIPLINARY INFRACTIONS, PATTERN OF MISCONDUCT, PERSONALITY DISORDER, ENTRY LEVEL PERFORMANCE AND CONDUCT, UNSATISFACTORY PERFORMANCE, PARENTHOOD, A PAGE 13 COUNSELING/WARNING MUST HAVE HAD BEEN ISSUED BY PARENT COMMAND. IN MANY CASES, COMMANDS CANNOT PROCESS A MEMBER FOR SEPARATION SOLELY BECAUSE HIS OR HER LATEST PAGE 13 COUNSELING/WARNING WAS ISSUED BY A PRIOR COMMAND. NEW POLICY:

(1) PAGE 13 COUNSELING/WARNINGS NO LONGER HAVE TO BE ISSUED BY THE PARENT COMMAND IN ORDER TO SATISFY THIS REQUIREMENT. ONCE A QUALIFYING PAGE 13 COUNSELING/WARNING IS ISSUED TO A MEMBER, IT IS VALID THROUGHOUT HIS OR HER CURRENT ENLISTMENT.

(2) DELETE THE WORDS: QUOTE - BY PARENT COMMAND - UNQUOTE FROM MPM 3610260.5A.

2. ANY QUESTIONS CONCERNING THE ABOVE ADMINISTRATIVE SEPARATION INITIATIVES SHOULD BE ADDRESSED TO BUPERS (PERS-832). POC: LT IMBACH. TEL (DSN) 224-8222/45/46/66 OR (COM) 703-614-8222/45/46/66.//

3. RELEASED BY H. C. MCKINNEY, RADM, N1(ACTING).// BT